

REMARKS

Claim 7 is amended. No new subject matter is added. Claims 1-21 remain pending in the application. Reconsideration and allowance of the pending claims is requested in light of the following remarks.

Request for Withdrawal of Finality of Office Action mailed on 13 November 2007

Under present practice, second or any subsequent actions on the merits shall be final, *except* where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims, nor based on information submitted in an information disclosure statement. MPEP 706.07(a), emphasis added. The rejection of claim 7 under 35 U.S.C. 112, second paragraph, is a new ground of rejection that was neither necessitated by applicant's amendment, nor was it based on information submitted in an information disclosure statement. Consequently, the finality of the Office action mailed on 13 November 2007 is improper and the withdrawal of the finality of the Office action is requested.

Claim Rejections – 35 USC §112, second paragraph

Claim 7 stands rejected under 35 USC 112, as being indefinite. In particular, there is insufficient antecedent basis for the limitation of "said module" in line 1. Accordingly, claim 7 is amended to replace "module" with "virtual interface," and the rejection is overcome. Support for the amendment can be found in the original application at, e.g., page 6, lines 6-7.

Claim Rejections – 35 USC §103

Claims 1-21 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Pub. No. 2003/0128668 to Yavatkar et al. ("Yavatkar"), in view of Software API Framework Implementation Agreement, Revision 1.0, dated 13 September 2002, edited by David M. Putzolu ("Putzolu").

A review of the non-final Office action mailed on 22 June 2007 (non-final action) and the improper final Office action mailed on 13 November 2007 (final action) reveals that the rejections outlined in the final action are merely a regurgitation of the rejections as outlined in the non-final action and do not address the applicant's arguments that were submitted in the response to the non-final action. In particular, the final action fails to add any new material that would constitute the required basis for properly supporting an inherency

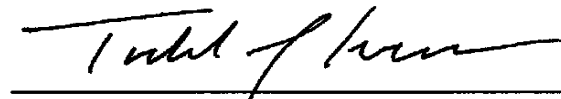
argument. The reasons why the non-final action did not properly support an inherency argument were outlined in the previous response, and so will not be repeated here.

Conclusion

For the foregoing reasons, reconsideration and allowance of the pending claims are requested. Please telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

A handwritten signature in black ink, appearing to read "Todd J. Iverson", is written over a horizontal line.

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